

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA**

**TAMI LYN SINGLETARY,** )

**Plaintiff,** )

**v.** )

**CASE NO. 2:07-cv-840-MEF**

**JEROME LEE CANTRELL; SPACE )**

**FLOORING & SUPPLIES, INC.;** )

**STATE FARM MUTUAL )**

**AUTOMOBILE INSURANCE CO.;** )

**et al.,** )

**Defendants.** )

**MOTION FOR ENTRY OF HIPAA ORDER**

**COME NOW** Defendant Space Flooring & Supplies, Inc. and requests that this Honorable Court enter an Order granting counsel for the parties the right, upon compliance with the applicable provisions of the Alabama Rules of Civil Procedure, to obtain from all health care providers and health plans all information relating to the past physical condition of Plaintiff, as well as all information relating to the provision of health care to such individual and payment for the provision of such health care. Such right should include the authority to interview, in person or otherwise, all physicians, administrators and other personnel in connection therewith. Such Protective Order is intended to help the parties and third parties who receive subpoenas or requests for informal meetings from the parties comply with the requirements of the federal HIPAA Privacy Rules, 45 CFR § 164.512(2), as a “qualified protective order” under that regulation. Such Protective Order would expressly authorize disclosure of “protected health information” as defined in the Privacy Rules by the parties and third parties to counsel for the parties, subject to timely objection to the notice provision of ARCP 34. Under such Protective Order, the parties and counsel for the parties

may use and disclose such information for the purpose of this proceeding only and are to return or destroy such information (including all copies made) at the end of this proceeding.

Defendants have attached for the consideration of the Court, a standard HIPAA Protective Order. The purpose of this Order is to comply with the HIPAA regulations.

**WHEREFORE, PREMISES CONSIDERED**, Defendant Space Flooring & Supplies, Inc. respectfully requests that this Honorable Court grant this Motion for Protective Order, thereby allowing all parties to this action to fully prosecute or defend this matter in its entirety.

Respectfully submitted,

**s/C. Elizabeth Littell**

**CLIFTON E. SLATEN (Ala. SLA013)**

**C. ELIZABETH LITTELL (Ala. LIT028)**

**ATTORNEYS FOR DEFENDANT**

**SPACE FLOORING & SUPPLIES, INC.**

**SLATEN & O'CONNOR, P.C.**

105 Tallapoosa Street, Suite 101

Montgomery, Alabama 36104

(334) 396-8882 - Telephone

(334) 398-8880 - Facsimile

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing instrument upon the following attorney(s) of record by placing a copy of same in the United States Mail, postage prepaid this the 29<sup>th</sup> day of January, 2008:

M. Adam Jones  
**JACOBY & MEYERS, LLC**  
Post Office Box 5551  
Dothan, AL 36302

Joel W. Ramsey  
**RAMSEY, BAXLEY & McDOUGLE**  
P.O. Drawer 1486  
Dothan, AL 36302

Jerome Lee Contrell  
218 28<sup>th</sup> Avenue  
Columbus, GA 31903

**s/C. Elizabeth Littell**  
**OF COUNSEL**

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**FLOORING & SUPPLIES, INC.;**

# STATE FARM MUTUAL

**AUTOMOBILE INSURANCE CO.:**

et al.,

## Defendants.

## HIPAA ORDER

Upon compliance with Rule 45 of the Alabama Rules of Civil Procedure, the attorney for Target Pest Management, LLC in this case, Clifton E. Slaten, shall be permitted to inspect and receive copies of all health information ("Protected Health Information", under HIPPA), irrespective of form and format, whether documents, digital or taped data, sound recordings, video recordings, x-rays, tests, test answer sheets, test grading sheets, test opinions, MRIs and any and all other health information and other information requested by subpoena relating to TAMI LYN SINGLETARY, a Plaintiff in this case, whose date of birth is 12/22/1965 and social security number is 424-02-7677, and any Real Party Plaintiff in interest in this matter. Subject to the provisions of Rule 26 of the Alabama Rules of Civil Procedure pertaining to the scope and limits of discovery, the attorney for the above-named Defendants in this lawsuit may request an interview with any health care providers, health plan administrators, or other individuals in connection with the aforementioned health information and information regarding payments for said health care (such information collectively referred to hereafter as "Protected Health Information").

**This Court requires any third-party who is provided with a subpoena requesting the production of documents or commanding attendance at deposition or trial to produce the requested documents and to testify about Protected Health Information in response to such request or subpoena. This Court Order is intended to authorize such disclosures under Section 154.512(e)(1) fo the privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act of 1998 (HIPPA).**

Nothing in this Order shall be deemed to relieve any party or attorney from the requirements of the Alabama Rules of Civil Procedure. This Order does not permit, except as necessary for testimony in this case by deposition or in Court, which testimony shall be treated as sealed by the parties, disclosure of "Protected Health Information" or confidential communications made for the

purposes of diagnosis or treatment of a patient's mental or emotional condition, including alcohol or drug addiction, amount the patient, the patient's psychotherapist, and persons who are participating in the diagnosis or treatment under the direction of the psychotherapist, including members of a the patient's family, nor does this Order permit disclosure of records of information relating to HIV testing or sexually transmitted diseases, except as stated above. The Court shall make a provision for the sealing of said records and testimony presented to the Court in any motion hearing or trial.

Any health and other information obtained through subpoena by any party shall be provided by the receiving party's lawyer to all other parties' lawyers in a sealed container. All lawyers are required to protect said information in the manner described above. Nothing in this Order shall be construed to authorize any party of any attorney for any party to release, exchange, submit or share any Protected Health Information with any other person or any other entity, other than an agent or employee of the attorney or party.

At the conclusion of this action and at the written request of an individual whose Protected Health Information has been disclosed, or such individual's authorized representative, all recipients of the Protected Health Information shall return to the entity or individual from which/whom said information was initially subpoenaed, all of said information and the returning lawyer shall advise the requesting party in writing when this has been done.

Done this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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**Circuit Court Judge**